

IN THE SUPREME COURT OF THE STATE OF MISSISSIPPI

NAME

APPELLANT

v.

Cause No. _____

STATE OF MISSISSIPPI

APPELLEE

MOTION TO WITHDRAW AND TO SUBSTITUTE COUNSEL

_____ **COMES NOW**, [attorney name], and files this Motion to Withdraw and to Substitute Counsel and in support thereof would show unto this Honorable Court the following, to-wit:

1. The Appellant appealed from his criminal conviction by filing a Notice of Appeal on or about [date].

2. By order of [trial court or Supreme Court], dated [date], the Appellant was declared to be *in forma pauperis*. The Appellant remains indigent, and the [trial court] has not certified that the Appellant is no longer indigent or is not otherwise entitled to proceed *in forma pauperis*.

3. The appellate record was filed with the Clerk of this Court on or about [date].

4. Counsel therefore request that [he or she] be allowed to withdraw and the Mississippi Office of Indigent Appeals be appointed as counsel of record for the Appellant, [and a new briefing schedule be issued by the Court]{use only if a briefing schedule has already been issued by the Supreme Court Clerk's Office}.

WHEREFORE PREMISES CONSIDERED, [attorney name], prays the [he or she] be allowed to withdraw as counsel of record and the Mississippi Office of Indigent Appeals be substituted as counsel of record, {and a new briefing schedule be issued by the Court}.

RESPECTFULLY SUBMITTED, this the __ day of _____, 2007.

[Attorney]

CERTIFICATE OF SERVICE

_____, I, [attorney] do hereby certify that I have this day served a true and correct copy of the foregoing Motion to Withdraw and to Substitute Counsel on the following:

Jim Hood
Mississippi Attorney General
Post Office Box 220
Jackson, MS 39205

[Appellant]

[Trial Judge]

Office of Indigent Appeals
301 North Lamar, Suite 210
Jackson, MS 39201

THIS, the __ day of _____, 2007.

[Attorney]